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(FILE NO.: 80000159 SCC/SDC)

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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AMERICAN HOME ASSURANCE COMPANY  
a/s/o MAXON TELECOM COMPANY LTD.,

Plaintiff,

Index No.: 04 CV 1639(ARR)(KAM)

- against -

**STIPULATION AND ORDER  
OF DISCONTINUANCE**

H & FRIENDS FREIGHT, INC.,  
MARK IV TRANSPORTATION & LOGISTICS,  
INC. and SWINGLINE MANAGEMENT  
SERVICES, INC.,

Defendants.

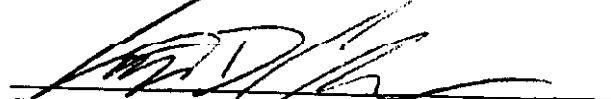
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The above-entitled action having been settled, it is hereby stipulated and agreed by and between the undersigned attorneys for the parties herein, that the action be discontinued and that all counterclaims and/or cross-claims that were, or could have been, asserted are hereby dismissed, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, with prejudice, without costs and without prejudice to the right, upon application made within forty-five (45) days of the entry of this Order, to reopen the action should the settlement not be fully consummated.

Dated: New York, New York  
April 7, 2005

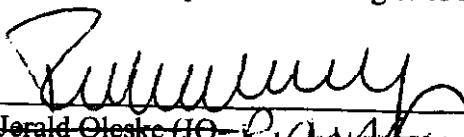
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File No.: 800000159 (SCC)

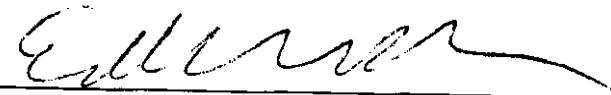
MALOFF, LEBOWITZ, CONNAHAN & OLESKE  
Attorneys for Defendant  
Mark IV Transportation & Logistics Inc.

By:

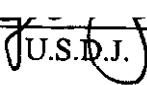
  
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By:

  
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SO ORDERED:

 5/12/05